

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

Item No. 9

Doc. No. 4

IN THE MATTER OF:

FIELDSTONE COMMUNITIES, INC.
MORRO HILLS
NONCOMPLIANCE WITH CALIFORNIA
WATER CODE § 13376, AND STATE
BOARD ORDER NO. 99-08-DWQ
WDID NO. 9 37C321382

)
) COMPLAINT NO. R9-2005-0107
) FOR
) ADMINISTRATIVE CIVIL LIABILITY

) March 17, 2005
)
)
)

FIELDSTONE COMMUNITIES, INC. IS HEREBY GIVEN NOTICE THAT:

1. Fieldstone Communities, Inc. (Fieldstone) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under sections 13350 and 13385 of the California Water Code.

ALLEGATIONS

2. **Discharge of Sediment to a MS4 and Waters of the United States**

Fieldstone discharged sediment to a Municipal Separate Storm Sewer System (MS4) and navigable waters of the United States in the San Diego Region in violation of Order No. 99-08-DWQ of the California State Water Resources Control Board (State Board), section A.2. Fieldstone discharged sediment from the Morro Hills site into Pilgrim Creek or into the City of Oceanside's MS4 on at least six days:

- | | |
|-----------------------|--------------------------|
| 1. November 16, 2004; | 4. January 4, 2005; |
| 2. December 28, 2004; | 5. January 12, 2005; and |
| 3. December 31, 2004; | 6. January 20, 2005. |

3. **Failure to Implement Storm Water Pollution Prevention Plan**

Fieldstone failed to implement its Storm Water Pollution Prevention Plan (SWPPP) by failing to install and maintain adequate Best Management Practices (BMPs) in violation of Order No. 99-08-DWQ section C.2 on at least 135 days:

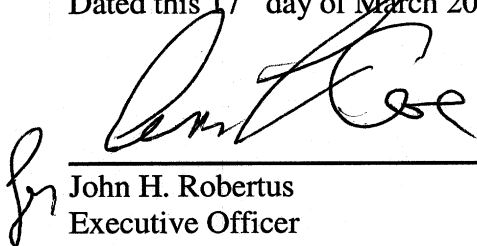
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|-------------------------|---|
| 1. July 19, 2004; | 3. October 1, 2004 through February 10, |
| 2. August 13, 2004; and | 2005 |

PROPOSED CIVIL LIABILITY

4. Based on consideration of the factors listed in sections 13327 and 13385 of the California Water Code, civil liability should be imposed on Fieldstone in the amount of \$262,500 for all violations, as follows:

- a. \$60,000 for the violations described in paragraph No. 2; and
- b. \$202,500 for the violations described in paragraph No. 3.

Dated this 17th day of March 2005



John H. Robertus
Executive Officer

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